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Dated: September 1, 2005

Signature:

Deborah A. Miller
(Deborah A. Miller)

IFW \$1

Docket No.: 105090-140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Gregory Altshuler et al.

Application No.: 10/693,682

Confirmation No.: 8658

Filed: October 23, 2003

Art Unit: 3739

For: Phototreatment Device For Use With Coolants
And Topical Substances

Examiner: Roy Dean Gibson

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08A. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Applicants have not submitted copies of each cited U.S. patent and each U.S. patent application as required by 37 C.F.R. 1.98 (a)(2)(i) since the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicants submit herewith a copy of each foreign patent and non-patent literature reference in accordance with 37 CFR §1.98(a)(2).

The Applicants hereby make the following additional information of record in the above-identified application.

09/07/2005 EAYALEW1 00000055 10693682

01 FC:1806

180.00 OP

<u>Application No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
09/719,497	August 9, 2001	H. Zenzie
10/776,687	February 10, 2004	G. Altshuler et al.
11/028,469	December 31, 2004	G. Altshuler et al.
11/028,481	December 31, 2004	G. Altshuler et al.
11/090,896	March 25, 2005	G. Altshuler et al.
11/091,270	March 28, 2005	Inochkin et al.
11/093,693	March 30, 2005	G. Altshuler et al.

In accordance with 37 CFR 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56 (b).

It is submitted that the Supplemental Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

In accordance with 37 CFR 1.97(c)(2) and 37 CFR 1.17 (p), Applicants enclose a check for \$180.00. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Reference No. 105090-140.

Dated: September 1, 2005

Respectfully submitted,

By 

Deborah A. Miller

Registration No.: 53,328

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

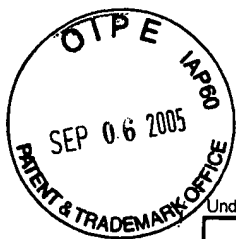
155 Seaport Boulevard

Boston, Massachusetts 02210-2604

Telephone: (617) 439-2000

Facsimile: (617) 310-9000

Agent for Applicants



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/693,682 – Conf. #8658
	Filing Date	October 23, 2003
	First Named Inventor	Gregory B. Altshuler
	Art Unit	3739
	Examiner Name	Roy Dean Gibson
Total Number of Pages in This Submission	Attorney Docket Number	105090-140

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	PTO SB/08/a (206 refs.)
<input checked="" type="checkbox"/> Supplemental Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	32 copies of foreign references and 6 copies of Non-patent literature documents
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	Check in the amount of \$180.00
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	Return Receipt Postcard
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	NUTTER MCCLENNEN & FISH LLP		
Signature			
Printed name	Deborah A. Miller		
Date	September 1, 2005	Reg. No.	53,328

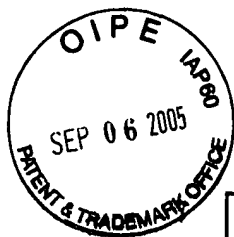
Transmittal

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1458589.1



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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL For FY 2005		Application Number	10/693,682-Conf. #8658
		Filing Date	October 23, 2003
		First Named Inventor	Gregory B. Altshuler
		Examiner Name	R. D. Gibson
		Art Unit	3739
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	105090-0140
TOTAL AMOUNT OF PAYMENT		(\$)	180.00

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: 141449 Deposit Account Name: Nutter McClennen & Fish LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☐ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
44	- 44 =	x =
Indep. Claims	Extra Claims	Fee (\$)
7	- 7 =	x =

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/50	(round up to a whole number) x	=	

4. OTHER FEE(S)

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement	180.00

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	53,328
Name (Print/Type)	Deborah A. Miller	Telephone	(617) 439-2000
		Date	September 1, 2005

Fee Transmittal	
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Dated: September 1, 2005	Signature: (Deborah A. Miller)



PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/693,682
				Filing Date	October 23, 2003
				First Named Inventor	Gregory B. Altshuler
				Art Unit	3739
				Examiner Name	Roy Dean Gibson
Sheet	1	of	6	Attorney Docket Number	105090-140

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	Re. 38,670	12/14/2004	Asah et al.	
	2	Des. 424,197	05/02/2000	Sydowski et al.	
	3	1,706,161	03/19/1929	H.P. Hollnagel (Pre Exam)	
	4	2,472,385	06/07/1949	Rollman	
	5	3,486,070	12/23/1969	Engel	
	6	3,846,811	11/05/1974	Nakamura et al.	
	7	3,857,015	12/24/1974	Clark et al.	
	8	4,275,335	06/23/1981	Ishida	
	9	4,456,872	06/26/1984	Froeschle	
	10	4,524,289	06/18/1985	Hammond et al.	
	11	4,525,289	06/18/1985	Hammond et al.	
	12	4,561,440	12/31/1985	Kubo et al.	
	13	4,591,762	05/27/1986	Nakamura	
	14	4,745,909	05/24/1988	Pelton et al.	
	15	4,749,913	06/07/1988	Stuermer et al.	
	16	4,884,560	12/05/1998	Kuracina	
	17	4,905,690	03/06/1990	Ohshiro, et al.	
	18	4,928,038	05/22/1990	Nerone	
	19	4,930,504	06/05/1990	Diamantopoulos, et al.	
	20	5,127,395	07/07/1992	Bontemps	
	21	5,267,399	12/07/1993	Johnston	
	22	5,358,503	10/25/1994	Bertwell, et al.	
	23	5,458,140	10/17/1995	Eppstein et al.	
	24	5,501,680	03/26/1996	Kurtz et al.	
	25	5,502,582	03/26/1996	Larson et al.	
	26	5,549,660	08/27/1996	Mendes, et al.	
	27	5,616,140	04/01/1997	Prescott	
	28	5,658,148	08/19/1997	Neuberger	
	29	5,660,836	08/26/1997	Knowlton	
	30	5,742,392	04/21/1998	Anderson et al.	
	31	5,769,076	06/23/1998	Mackawa et al.	
	32	5,722,397	03/03/1998	Eppstein	
	33	5,814,008	09/29/1998	Chen et al.	
	34	5,814,040	09/29/1998	Nelson et al.	
	35	5,814,041	09/29/1998	Anderson, et al.	
	36	5,827,264	10/27/1998	Hohla	
	37	5,836,877	11/17/1998	Zavislan	
	38	5,851,181	12/22/1998	Talmor	
	39	5,860,967	01/19/1999	Zavislan et al.	
	40	5,868,731	02/09/1999	Budnik et al.	
	41	5,871,480	02/16/1999	Tankovich	
	42	5,883,471	03/16/1999	Rodman et al.	

Examiner Signature		Date Considered	
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
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				Filing Date	October 23, 2003
				First Named Inventor	Gregory B. Altshuler
				Art Unit	3739
				Examiner Name	Roy Dean Gibson
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43	5,913,883	06/22/1999	Alexander et al.	
44	5,916,211	06/29/1999	Quon , et al.	
45	5,949,222	09/07/1999	Buono	
46	5,955,490	09/21/1999	Kennedy et al.	
47	5,977,723	11/02/1999	Yoon	
48	5,984,915	11/16/1999	Loeb et al.	
49	6,022,316	02/08/2000	Eppstein et al.	
50	6,026,828	02/22/2000	Altshuler	
51	6,030,399	02/29/2000	Ignotz et al.	
52	6,032,071	02/29/2000	Binder	
53	6,036,684	03/14/2000	Tankovich et al.	
54	6,086,580	07/11/2000	Mordon, et al.	
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56	6,142,939	11/07/2000	Eppstein et al.	
57	6,162,055	12/19/2000	Montgomery	
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59	6,162,212	12/19/2000	Kreindel, et al.	
60	6,173,202 B1	01/09/2001	Eppstein et al.	
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67	6,214,034	04/10/2001	Azar	
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74	6,283,956	09/04/2001	McDaniel	
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76	6,319,274	11/20/2001	Shaddock	
77	6,340,495	01/22/2002	Sumian, et al.	
78	6,343,933	02/05/2002	Montgomery	
79	6,350,276	02/26/2002	Knowlton	
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81	6,383,177 B1	05/07/2002	Balle-Petersen et al.	
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83	6,402,739	06/11/2002	Neev	
84	6,406,474 B1	06/18/2002	Neuberger et al.	
85	6,424,852	07/23/2002	Zavislan	
86	6,425,912	07/30/2002	Knowlton	
87	6,471,716	10/29/2002	Pecukonis	
88	6,494,900	12/17/2002	Salansky et al.	

Examiner Signature		Date Considered	
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/693,682
				Filing Date	October 23, 2003
				First Named Inventor	Gregory B. Altshuler
				Art Unit	3739
				Examiner Name	Roy Dean Gibson
Sheet	3	of	6	Attorney Docket Number	105090-140

89	6,508,785	01/21/2003	Eppstein	
90	6,514,242	02/04/2003	Vasily et al.	
91	6,530,915 B1	03/11/2003	Eppstein et al.	
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93	6,558,372	05/06/2003	Altshuler	
94	6,572,637	06/03/2003	Yamazaki, et al.	
95	6,602,245 B1	08/05/2003	Thiberg	
96	6,629,971	10/07/2003	McDaniel	
97	6,629,989	10/07/2003	Akita	
98	6,632,219	10/14/2003	Baranov et al.	
99	6,635,075	10/21/2003	Li et al.	
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101	6,653,618	11/25/2003	H. Zenzie	
102	6,660,000 B2	12/09/2003	Neuberger et al.	
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105	6,663,659	12/16/2003	McDaniel	
106	6,676,654 B1	01/13/2004	Balle-Petersen et al.	
107	6,679,837 B2	01/20/2004	Daikuzono	
108	6,685,699 B1	02/03/2004	Eppstein et al.	
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110	6,709,269	03/23/2004	Altshuler	
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115	6,878,144	04/12/2005	Altshuler et al.	
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117	US2001/0041886	11/15/2001	Durkin et al.	
118	US2002/0026225	02/28/2002	Segal	
119	US2002/0123745 A1	09/05/2002	Svaasand et al.	
120	US2002/0128635	09/12/2002	Altshuler et al.	
121	US2002/0161357	10/31/2002	Anderson	
122	US2002/0173780	11/21/2002	Altshuler et al.	
123	US2002/0091377	07/11/2002	Anderson	
124	US2002/0005475	01/17/2002	Zenzie	
125	US2003/0023283	01/30/2003	McDaniel	
126	US2003/0032900	02/13/2003	S. Ella	
127	US2003/0004499	01/02/2003	McDaniel	
128	US2003/0036680 A1	02/20/2003	Black	
129	US2003/0065314	04/03/2003	Altshuler et al.	
130	US2003/0055414	03/20/2003	Altshuler et al.	
131	US2003/0057875	03/27/2003	Inochkin et al.	
132	US2003/0032950	02/13/2003	Altshuler et al.	
133	US2003/0100936	05/29/2003	Altshuler et al.	
134	US2003/0109787	06/12/2003	Black	

Examiner Signature		Date Considered	
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
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				Filing Date	October 23, 2003
				First Named Inventor	Gregory B. Altshuler
				Art Unit	3739
				Examiner Name	Roy Dean Gibson
Sheet	4	of	6	Attorney Docket Number	105090-140

135	US2003/0109860	06/12/2003	Black	
136	US2003/0129154	07/10/2003	McDaniel	
137	US2003/0187486	10/02/2003	Savage, et al.	
138	US2003/0195494	10/16/2003	Altshuler et al.	
139	US2003/0199859	10/23/2003	Altshuler et al.	
140	US2003/0232303	12/18/2003	Black	
141	US2004/0006332 A1	01/08/2004	Black	
142	US2004/0010298	01/15/2004	Altshuler et al.	
143	US2004/0015156	01/22/2004	Vasily	
144	US2004/0015158	01/22/2004	Vasily	
145	US2004/0024388	02/05/2004	Altshuler	
146	US2004/0030326	02/12/2004	Altshuler et al.	
147	US2004/0034319	02/19/2004	Anderson et al.	
148	US2004/0034341	02/19/2004	Altshuler et al.	
149	US2004/0073079	04/15/2004	Altshuler et al.	
150	US2004/0085026	05/06/2004	Inochkin et al.	
151	US2004/0093042	05/13/2004	Altshuler et al.	
152	US2004/0133251	07/08/2004	Altshuler et al.	
153	US2004/0143920	07/29/2004	Nanda	
154	US2004/0147984	07/29/2004	Altshuler et al.	
155	US2004/0162596	08/19/2004	Altshuler et al.	
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157	US2004/0191729	09/30/2004	Altshuler et al.	
158	US2004/0193235	09/30/2004	Altshuler et al.	
159	US2004/0193236	09/30/2004	Altshuler et al.	
160	US2004/0199227	10/07/2004	Altshuler et al.	
161	US2004/0204745	10/14/2004	Altshuler et al.	
162	US2004/0210276	10/21/2004	Altshuler et al.	
163	US2004/0214132	10/28/2004	Altshuler et al.	
164	US2004/0225339	11/11/2004	Yaroslavsky et al.	
165	US2004/0230258	11/18/2004	Altshuler et al.	
166	US2004/0082940	04/29/2004	Black et al.	
167	US2004/0085026	05/06/2004	Inochkin et al.	
168	US2005/0038418	02/17/2005	Altshuler et al.	
169	US2005/0049582	03/03/2005	DeBenedictis et al.	
170	US2005/0049658 A1	03/03/2005	Connors et al.	
171	US2005/0107849	05/19/2005	Altshuler, et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	172	AT 400305	12/27/1995	Divida Ges.M.B.H. Methoden Und Mittel Fuer Medizin, Massage Und Kosmet		
	173	DE 9102407	07/11/1991	Mink		
	174	EP 0884066	12/16/1998	SLI Lichtsysteme GmbH		
Examiner Signature				Date Considered		

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				Art Unit	3739
				Examiner Name	Roy Dean Gibson
Sheet	5	of	6	Attorney Docket Number	105090-140

	175	EP 1 457 234 A2	09/15/2004	Photo Therapeutics Limited		
	176	EP 1138349	10/04/2001	Photo Therapeutics Limited		
	177	EP 1147785	10/24/2001	Photo Therapeutics Limited		
	178	FR 2591902	06/26/1987	Collin Yvon		
	179	GB 2356570	05/30/2001	Warburton et al.		
	180	GB 2368020	04/24/2002	ICN Photonics Limited		
	181	GB 2390021	12/31/2003	Dermastar Limited		
	182	GB 2397528	07/28/2004	Enfis Limited		
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Examiner Signature		Date Considered	
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/693,682
				Filing Date	October 23, 2003
				First Named Inventor	Gregory B. Altshuler
				Art Unit	3739
				Examiner Name	Roy Dean Gibson
Sheet	6	of	6	Attorney Docket Number	105090-140

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	204	Altea Therapeutics – Medicines Made Better (single page website print-out)	
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	206	Doukas et al., "Transdermal Drug Delivery With A Pressure Wave", Advanced Drug Delivery Reviews 56, pp. 559-579 (2004);	
	207	Ohshiro et al., "The Ruby and Argon Lasers in the Treatment of the Naevi," Annals Academy of Medicine, April 1983, Vol. 12, No. 2, pp 388-395	
	208	Sumian, C.C. et al., "A Preliminary Clinical And Histopathological Study Of Laser Skin Resurfacing Using A Frequency-Doubled Nd:YAG Laser After Application of Chromofilm®," Journal of Cutaneous Laser Therapy, Vol. 1, pp. 159-166, 1999	
	209	Sumian, C.C. et al., "Laser Skin Resurfacing Using A Frequency Doubled Nd:YAG Laser After Topical Application Of An Exogenous Chromophore," Lasers in Surgery and Medicine, Vol. 25, pp. 43-50, 1999	

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